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Agenda item 31
THE SITUATION IN CENTRAL AMERICA:
THREATS TO INTERNATIONAL PEACE AND
SECURITY AND PEACE INITIATIVES

SECURITY COUNCIL
Forty-seventh year

Letter dated 24 July 1992 from the representatives of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the document entitled "Managua Agenda", which the Presidents of the Central American countries agreed to at the twelfth Summit held in Managua on 4 and 5 June 1992.

We should be grateful if you would have this letter and the annex thereto circulated as a document of the General Assembly, under agenda item 31, and of the Security Council.

(Signed) Christián TATTENBACH
Ambassador
Permanent Representative of
Costa Rica to the United Nations

(Signed) Julio MARTINI
Ambassador
Permanent Representative of
Guatemala to the United Nations

(Signed) Roberto MAYORGA CORTES
Ambassador
Permanent Representative of
Nicaragua to the United Nations

(Signed) Guillermo MELENDEZ-BARAHONA
Minister Counselor
Chargé d'affaires a.i. of the
Permanent Mission of El Salvador to
the United Nations

(Signed) Javier SUAZO TOME
Ambassador
Chargé d'affaires a.i. of the
Permanent Mission of Honduras to
the United Nations

(Signed) Carlos AROSEMANA A.
Ambassador
Permanent Representative of Panama
to the United Nations

ANNEX

Managua Agenda adopted by the Presidents of the Central American countries at the twelfth Summit held in Managua on 4 and 5 June 1992

With the aim of bequeathing to Central American generations better conditions on the road towards the improvement of democratic institutions, integration and economic and social development, and seizing the historic opportunity afforded by the new era that has dawned in the region to strengthen the idea of a Central America united in the face of the challenges of the twentieth century, the Presidents of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama

HEREBY AGREE:

1. To affirm the need to make the necessary preparations for the proper and efficient entry into operation of the Central American Integration System (SICA), giving that organization a practical structure that will ensure the viability of its operational nature.

Accordingly, we resolve to establish the Preparatory Commission for the implementation of the Tegucigalpa Protocol, with the organization and functions described in the decision attached hereto.

2. To renew the Security Commission's mandate to continue the negotiations entrusted to it, asking it to go more deeply into the issues relating to arms trafficking and confidence-building. To these ends, to determine that such negotiations must have as their basic parameters the establishment of ceilings and of a verification and control mechanism. Similarly, the Commission will take into account, in its deliberations, all proposals submitted with regard to security.

3. To instruct the Security Commission to foster the establishment and, as appropriate, strengthening of assistance, cooperation and coordination mechanisms designed to wipe out illegal traffic in arms in Central America.

4. To improve the democratic institutions and mechanisms for guaranteeing human rights in Central America and to underscore the strengthening of the judiciary power, the administration of justice and the electoral bodies as priority areas.

5. To emphasize the importance of continuing further with policies of national reconcilitation and the importance of the contribution which National Commissions for National Reconciliation can make in those countries which so request.

6. To instruct the Executive Commission to prepare a joint Central American position for the forthcoming World Conference on Human Rights to be held in 1993.

7. To emphasize the importance of the participation of all the countries of Central America in encouraging the new trends in the Movement of Non-Aligned Countries, which are intended to give greater weight in that Movement to issues relating to democracy, human rights and development, with a view to strengthening the Movement's role in the establishment of a new international order. To instruct the Executive Commission to work out a joint position on this issue.

8. To ask the Executive Commission to put the necessary measures into practice to give the permanent Central American commission for the eradication of the illicit traffic in drugs an appropriate legal framework and to seek to obtain resources for the operation of its secretariat.

9. To reiterate the importance of the Central American Agreement regarding candidacies, which was adopted at the San Salvador summit, as the appropriate and sole mechanism for the coordination and participation of and regional support for Central American candidates, implementation of which is the exclusive responsibility of the Ministries of Foreign Affairs, with a view to progressing towards the achievement of broad representation of Central America in international organizations.

10. To instruct the Executive Commission to coordinate a meeting of national and regional authorities responsible for combating drug trafficking for the purpose of exchanging views for the adoption of measures aimed at preventing the illicit traffic in narcotic drugs and psychotropic substances, following the suggestion made at the seminar on armed and security forces in Central America, held from 26 to 28 May 1992, in Costa Rica. To thank the Prime Minister of Belize for his offer to host such a meeting in 1992 in his country, and to accept the offer.

Also, to encourage the adoption of ever more effective legislative, technical and administrative measures in order to prevent the laundering of money and other goods derived from the traffic in drugs, taking into consideration the work done in this area by the permanent Central American commission for the eradication of the illicit traffic in drugs and the Inter-American Drug Abuse Control Commission (CICAD). Likewise, to initiate the study of international instruments on mutual legal assistance in this area.

11. To appeal to the international community to increase its support for democracy and peace in Central America, by providing greater resources for their consolidation in order to ensure that the great material shortages of the region do not affect the process by diminishing and reversing what has been achieved. To underscore the importance of a new and leading role of international organizations in this area.

12. To emphasize the relevance of the speedy initiation of the review of the Luxembourg Agreement with a view to updating it, enriching it and extending its scope, in accordance with the guidelines adopted at San José VIII on 24 and 25 February 1992.

13. To urge the European Economic Community to welcome the Central American proposal so that the resources of the regional payments system may be directed towards supporting intra-zonal trade by establishing mechanisms, with the participation of the Central American Bank of Economic Integration (CABEI), to finance intra- and extra-regional exports of products originating in the countries of Central America.

14. To appeal to the international community for urgent support for the implementation of projects in the energy sector, bearing in mind the grave energy crisis which the region is experiencing and its negative impact on the economies.

15. To underscore the importance of consolidating the process of institutional strengthening of the Central American Bank of Economic Integration (CABEI) and the progress and achievements in its financial strategy by admitting partners from outside the region; accordingly they urge the member countries of the Group of Seven and the European countries to take the necessary steps so that they may be admitted to BCIE as partners from outside the region.

16. To instruct the competent authorities so that SIECA and CABEI, together with the Government of Panama, may prepare a study on the modalities enabling it to join these economic organizations of the Central American region in accordance with the guidelines of its ongoing modernization and economic development plan and the requirements of gradual and complementary participation in the process of integration and regional development of Central America.

17. To underscore, in the context of the Association for Democracy and Development in Central America (ADD), the Central American initiative to submit outlines of specific projects in areas to which the region attaches priority, at the second plenary meeting held in Ottawa, Canada, as a token of the leading role which Central American countries play within the Association. Also, to thank the partners from outside the region for the support they have given to this forum and to appeal to member countries of ADD to support implementation of projects in the areas of administration of justice, electoral bodies, human rights, legislative institutions, resettlement of persons affected by internal conflicts and clearing and destruction of mines and also in projects in the area of development.

18. In view of the forthcoming plenary meeting of ADD, which is to be held in the Republic of El Salvador in September 1992, to appeal to cooperating countries and to the international financial community to increase needed cooperation with the region, inviting them to attend the meeting, for which purpose priority has been given to specific projects of interest to Central America in the areas of democracy and development.

To urge the ministers responsible for economic integration and regional development to intensify work leading to the holding of the world conference on trade and investment in Central America scheduled for 1993 in the Republic of Honduras, which is one of the activities being prepared in ADD. Also, to invite the private sector of the region to participate actively in the identification and formulation of trade and investment programmes and projects.

19. To underscore the initiative of institutionalizing meetings with the Group of Three, consisting of Colombia, Mexico and Venezuela, and to instruct the Executive Commission to prepare a calendar of meetings, both at the ministerial and at the technical level.

20. To express its satisfaction at the progress made in the negotiations of the Central American countries, on the basis of the agreement on economic complementarity with Mexico, signed in the city of Tuxtla Gutiérrez. Also, to instruct the competent Central American authorities to move ahead with the other programmes contained in the above-mentioned agreement.

21. To instruct the competent authorities jointly to take the necessary steps with the Government of Venezuela to spur negotiation of a basic agreement on trade and investment with that country in order to implement the guidelines set forth at the Presidential Summit in San Salvador.

22. To hail the first meeting of Ministers for Foreign Affairs of the countries of Central America and the Caribbean Community (CARICOM) held in San Pedro Sula, Honduras, from 29 to 31 January 1992 as a dialogue of historic importance for the region and one that opens new possibilities for integration and for expanding their economic, commercial and cultural ties. In particular, to instruct the Executive Commission to take steps aimed at strengthening the so-called consultation forum.

23. To intensify relations with the Rio Group through the Central American representatives in the Group, in order to expand and enhance political cooperation between the two groups of countries and develop common positions and mutual support in the fields of economic and technical cooperation.

24. In connection with the item on relations with the Republic of China, to emphasize the significance of the Mixed Cooperation Commission established at the Tegucigalpa Summit and the presence of Foreign Minister Frederick F. Chien at the present meeting, as an expression of the importance they attach to such relations, which is evidenced by the meeting scheduled to be held in Taipei on 8 and 9 September 1992.

25. To instruct the ministers responsible for economic integration and regional development to pursue their efforts to review and update the General Treaty on Central American Economic Integration and to adjust its provisions to the new economic and political conditions obtaining in the countries of the region.

26. To endorse the recommendation of the senior economic policy groups ("economic cabinets") of the countries of the Central American isthmus to the effect that the different central banks should gear their activities primarily to guaranteeing financial stability through the setting of monetary, foreign exchange and credit policies; should restrict financing to the public sector; should allow interest rates to be set by the market without distortions and maintain realistic rates of exchange; should eliminate subsidized credit and other operations that are not properly part of their functions so as to avoid a recrudescence of inflationary pressures and thereby ensure that such policies are neutral in terms of their impact on the economies of the other countries of the area in the medium and long term.

27. To support the intention of the Presidents of the central banks of the Central American countries to implement the Agreement adopted at Antigua, Guatemala, of 20 March 1992, on the strengthening of trade relations between the Central American countries, which would allow payments in intraregional commercial transactions to be made in the different national currencies, the United States dollar or other strong currencies on a barter basis or in any other manner approved by the monetary authorities of the countries concerned, without the intervention of the central banks.

To urge the Presidents of the central banks of the Central American countries to take such steps as they deem necessary to create domestic monetary conditions in each country to ensure stability in the value of their currencies in a framework of flexible foreign exchange markets so as to make for the effective use of the various currencies, without any bias in favour of or against any given currency.

28. To urge the Presidents of the central banks of the Central American countries to accelerate procedures for the ratification of the Agreement establishing the Central American Monetary Council at an early date in order to vest the Council with the international juridical personality it needs to play a part in the Central American economic integration process.

29. The ministers responsible for Central American economic integration and regional development, the Ministers of Finance and the Presidents of the central banks of the countries of the region should, as soon as possible, consider the adoption of a special and realistic mechanism for arriving at a practical settlement, which would include a plan for the renegotiation of Nicaragua's intraregional debt.

30. To reiterate the urgent need to establish a regional forum for dialogue on and support for Central American integration in which individuals and bodies from both the private and public sectors would participate, with the aim of coordinating activities that can help to usher in a new stage in the regional integration process. In this connection, the concerns expressed by the Central American Committee for Inter-Agency Coordination (CACI) have been noted with interest.

To convene the second plenary meeting of the Coordinating Commission for Central American Development (CCDCA) and to expand the national delegations to five members including representatives of Governments, from both the political and economic sectors, the private sector, and the business, academic and trade union communities, at least one of whom should be a member of the Sanford Commission.

31. To call upon the bodies concerned to step up their efforts to bring to a conclusion activities which are under way and to urge final approval of the regulations on restrictive business practices and escape clauses.

32. To commission the Meeting of Ministers of Transport (REMITRAN) to take the necessary measures for the implementation of the regional investment plan for the transport sector for the 1990s (PRODECA), in particular feasible projects relating to highways and railways of importance to the region and the rehabilitation and operation of freight consolidation port facilities in conjunction with a regional air transport policy to foster and promote Central American integration, tourism and foreign trade.

33. To underscore the importance of the resolution adopted by the Central American Parliament on road safety for the carriage of persons and goods on Central American highways and to instruct REMITRAN and other competent authorities to proceed, within the suggested time-frames and on the basis of the recommended approaches, to draw up a regional plan for road safety and to establish a single title of ownership for motor vehicles.

34. To request cooperating countries and international agencies to participate in the International Conference on Central American Refugees (CIREFCA) and to maintain the activities necessary to bring the process to completion with the full incorporation of the citizens affected in civilian life.

To endorse the Declaration of the CIREFCA Follow-up Committee, issued in Managua on 12 May 1992, especially the request to the cooperating countries to continue their efforts to help find permanent solutions to the problem of uprooted inhabitants within the framework of CIREFCA.

35. To reaffirm the commitment to carry out a strategy that will improve the quality of life of families living in poverty, ensuring that public assistance schemes are linked to medium-term national programmes and projects and that the latter serve to improve management capacity in the social sector and promote institution-building.

36. To designate the Regional Social Affairs Commission (CRAS) as the regional forum for the coordination of efforts of the senior social policy groups ("social cabinets") and human development activities at the regional level, and the Central American Human Development Commission (CCDH) as the body whose functions are limited to support for and follow-up to the specific human development project for the region in accordance with the guidelines laid down by CRAS.

To recommend that the minister representing each country in CRAS should also be a member of CCDH and that each country should appoint the representative and spokesman of its senior social policy group ("social cabinet") as its representative in CRAS.

To urge international agencies to support the social welfare programmes and projects in the region.

37. To support development plans in the areas of education, culture and occupational and technical training institutes, emphasizing the adoption of national policies and strategies which are in keeping with Central American integration.

38. To instruct the Central American Housing and Human Settlements Council to submit to the Central American Presidents, for their approval, a plan of work including a housing and human settlements development programme.

39. To request governmental cultural institutions to establish compatible mechanisms for monitoring the circulation of cultural property and protecting it in such a way as to ensure that it is not removed from the Central American region.

40. To strengthen efforts to protect the family and the rights of the child and to secure financial resources from cooperation partners; likewise, to undertake efforts to ensure the observance of the agreements concluded within the framework of the Convention on the Elimination of All Forms of Discrimination against Women.

41. To support the basic objectives of the regional programme entitled "Women, the environment and development", and the search for a new model of development incorporating the general focus on programme planning and implementation.

42. To reaffirm the plan entitled "Central America, health and peace: towards development and democracy", and to recommend the implementation of the proposals adopted by the Second Meeting of the Council of Central American Ministers of Health (COMISCA), within the framework of the Eighth Meeting of the Central American Health Sector (RESSCA), supported by the Pan-American Health Organization (PAHO) and the World Health Organization (WHO).

To instruct COMISCA to develop a plan to combat cholera, and to incorporate this plan into the subregional external cooperation projects, identifying target areas in accordance with the specific features of each country, and, likewise, to set up a regional epidemiological monitoring system for the battle against cholera which can facilitate exchanges of experience and technical cooperation.

43. To instruct the Central American ministers of agriculture and livestock to strengthen, both technically and financially, the secretariat of the

Council of Ministers of Agriculture of the Central American Isthmus (CORECA-VI), so that the agricultural sector can fulfil the tasks assigned to it and the commitments undertaken at the regional level.

44. To emphasize the importance of the Central American Agenda for Environment and Development, which was drawn up with the participation of the main social sectors in Central America and which constitutes an indispensable guideline and focal point for regional environmental stewardship.

45. To instruct the Central American Commission on Environment and Development (CCAD) to intensify, within the framework of the agreement on the preservation of biodiversity and the protection of priority forest areas of Central America, signed on today's date, scientific and technical cooperation in this area among the countries of the region.

46. Likewise, to instruct CCAD to expedite the establishment of regional environmental monitoring systems, data banks and administrative mechanisms which can provide for the effective monitoring of the disposal and transport of hazardous wastes and other toxic substances.

47. To urge the Central American Bank for Economic Integration (CABEI) to establish, in accordance with the existing financial mechanisms and in coordination with CCAD, a Central American fund for environment and development, as a mechanism for managing and financing the projects in this area at the regional level.

48. To express satisfaction at and support for the agreement signed by CCAD and the National Aeronautics and Space Administration (NASA) of the United States of America on the implementation of the Central American georeferenced information system and to instruct CCAD to carry out the actions required for the development of this project.

49. To agree that the preservation of Central American biodiversity, especially the biodiversity of its tropical jungles, is not only a contribution to the preservation of the world genetic endowment, but also to global climate equilibrium, because of the size of our jungles and their importance in producing oxygen and absorbing carbon dioxide, and that our countries deserve new and additional financial resources which can assist them in defraying the growing costs of protecting these resources.

50. To express support for the establishment of a global programme for technology transfers from the developed countries to the developing countries, on preferential and non-commercial terms, especially in the field of agro-industrial and industrial re-engineering, biotechnology and environmentally sustainable energy production.

51. To welcome the signing of the bilateral agreement between Honduras and Nicaragua on the establishment of a solidarity reserve.

52. To instruct the ministers responsible for Central American economic integration and regional development to review and adopt, as soon as possible, the outline of a regional project for investment in the scientific and technological development of the productive sectors, prepared by the Commission for the Scientific and Technological Development of Central America and Panama (CTCAP), and to entrust them with ensuring that, in due course, the representatives of the countries of the region to the Inter-American Development Bank (IDB), the Organization of American States (OAS) and other cooperation organizations secure financial and technical support for the elaboration of the respective investment project. At the same time, we designate CTCAP, which hereafter shall consist of the ministers responsible in each country for the science and technology sector, or their designated representatives, to conduct follow-up of this project, as an institutional forum responsible for coordinating regional scientific and technological policy in harmony with the policies and programmes defined by the ministers responsible for Central American economic integration and regional development.

53. To instruct the ministers responsible for the migration policies of the Central American countries to convene a meeting for the purpose of promoting efforts which can lead to the adoption of agreements in the following areas:

(a) The elimination of visa requirements for all citizens of Central America;

(b) The adoption of a common passport format;

(c) The simplification of migration formalities between the countries of the region, including fees, procedures and working hours, among other mechanisms.

54. With the aim of improving the mechanisms for coordination and study of proposals submitted to the Meeting of the Central American Presidents, to require that such proposals be transmitted through the interim secretariat no later than 30 days prior to the convening of a Summit.

55. To express support for the organization of ministers and secretaries of communications and the media established at San Pedro Sulas, Honduras, in September 1991, and to encourage them to strengthen their efforts to promote the values of peace, democracy, integration and development, adopted by the Central American Presidents at their Summits.

56. To extend an invitation to the President of the Dominican Republic to participate as an observer in the Thirteenth Meeting of the Central American Presidents, to be held in Panama.

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LETTER DATED 27 JULY 1992 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I should like to inform you that United States aircraft continued their violations of Iraqi airspace for purposes of observation and provocation during the period 15 to 23 July 1992.

15-16 July 1992

Twenty-two sorties, flown by 11 two-aircraft formations at speeds of 600 to 900 kilometres per hour and at altitudes of 5,000 to 6,500 metres, centred over Mosul, Amadiyah, Irbil, Tall Afar, Zakho and Dohuk.

16-17 July 1992

Twenty-seven sorties, flown by 13 two-aircraft formations and one single aircraft at speeds of 600 to 900 kilometres per hour and at altitudes of 5,000 to 8,000 metres, centred over Zakho, Dohuk, Mosul, Irbil, Dukan and Amadiyah.

17-18 July 1992

Twenty-five sorties, flown by 12 two-aircraft formations and one single aircraft at speeds of 600 to 900 kilometres per hour, centred over Dohuk, Ayn Zalah, Amadiyah, Irbil, Mosul, Tall Afar and Zakho.

18-19 July 1992

Ten sorties, flown by five two-aircraft formations at speeds of 700 to 900 kilometres per hour and at altitudes of 5,000 to 6,500 metres, centred over Zakho, Amadiyah, Mosul and Dohuk. Around 1000 hours on 18 July 1992, a large grey aircraft overflew the Zamar district several times at low altitudes and dropped a greyish-white substance in the form of fine filaments similar to tufts of hair which fell close to the township water plant.

20-21 July 1992

Thirty-one sorties, flown by 15 two-aircraft formations and one single aircraft at speeds of 600 to 900 kilometres per hour and at altitudes of 5,000

to 5,200 metres, centred over Zakho, Dohuk, Mosul, Irbil, Tall Afar and Amadiyah.

21-22 July 1992

Twenty-two sorties, flown by 11 two-aircraft formations at speeds of 600 to 900 kilometres per hour and at altitudes of 5,000 to 6,500 metres, centred over Dohuk, Zakho, Amadiyah, Ayn Zalah, Mosul, Tall Afar and Irbil.

22-23 July 1992

Nineteen sorties, flown by nine two-aircraft formations and one single aircraft at speeds of 600 to 900 kilometres per hour and at altitudes of 2,000 to 10,000 metres, centred over Mosul, Dohuk, Zakho, Tall Afar and Amadiyah.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Abd al-Amir AL-ANBARI
Ambassador
Permanent Representative

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Forty-seventh session
Item 69 of the provisional agenda*
REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Forty-seventh year

Letter dated 28 July 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Senegal to the United Nations addressed to the Secretary-General

I am transmitting to you herewith the communiqué concerning the situation in Bosnia and Herzegovina and in the former Yugoslavia, issued on 27 July 1992 by His Excellency Mr. Abdou Diouf, in his dual capacity as President of the Republic of Senegal and President of the Sixth Islamic Summit Conference at Dakar, with a view to having it circulated as an official document of the General Assembly, under item 69 of the provisional agenda, and of the Security Council.

(Signed) Mame Balla SY
Chargé d'affaires a.i.

* A/47/150.

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ANNEX

Communiqué issued by the President of Senegal and President of the Sixth Islamic Summit Conference at Dakar concerning the situation in Bosnia and Herzegovina and in the former Yugoslavia

The situation prevailing in the former Yugoslavia in general and in the independent Republic of Bosnia and Herzegovina in particular, continues to deteriorate dangerously and to constitute a major concern for the international community.

Conscious of the threat which this situation poses for regional and international peace and security, I had already, in my dual capacity as Chief of State of the Republic of Senegal and current President of the Organization of the Islamic Conference (OIC), launched important initiatives designed to normalize the situation and, inter alia, put an end to the violence that is raging in Bosnia and Herzegovina.

Initially, I had instructed the Permanent Representative of Senegal to the United Nations, together with his counterparts from the States members of OIC, to bring the matter before the Security Council of the United Nations for the purpose of taking urgent measures.

As everyone knows, this resulted in a series of informal consultations and formal meetings sanctioned inter alia by resolutions 752 (1992) and 757 (1992), the former advocating, in substance, that a peace-keeping operation be mounted in Bosnia and Herzegovina, the latter imposing international sanctions on the new Federal Republic of Yugoslavia (Serbia and Montenegro).

In view of the persisting violence in Bosnia and Herzegovina, the principal targets and victims of which are the Muslims in Bosnia, I was to ask the Secretary-General of OIC to do his utmost with a view to the speedy convening of an extraordinary session of the Conference of Islamic Foreign Ministers of that organization to consider the issue.

The extraordinary session, which was held on 17 and 18 June 1992, adopted a resolution whereby:

(a) An important joint programme of the General Secretariat of OIC and the Islamic Development Bank for the provision of humanitarian assistance to Bosnia and Herzegovina was approved;

(b) An urgent appeal was made to the Security Council of the United Nations to implement the provisions of Article 42 of Chapter VII of the Charter of the United Nations which provides for recourse to military means (land, air, sea) with a view not only to providing cover for humanitarian assistance operations but also to putting an end to the violence in Bosnia and Herzegovina.

It is in that spirit that, while continuing to place the reaction of Senegal and that of OIC within the context of international legality embodied in particular by the Security Council, I should like to welcome and firmly support the British proposal for an international conference on the situation in the former Yugoslavia, with Bosnia and Herzegovina as the central issue; the possibility of such a conference was already envisaged at the recent summits of the Group of 7 and the Conference on Security and Cooperation in Europe.

(Signed) Abdou DIOUF

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Items 28, 30, 33, 35, 69, 79, 80, 81, 83, 85, 97, 98 and 125 of the provisional agenda*
THE SITUATION IN AFGHANISTAN AND ITS IMPLICATIONS FOR INTERNATIONAL PEACE AND SECURITY
QUESTION OF PALESTINE
POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA
THE SITUATION IN THE MIDDLE EAST
REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY
DEVELOPMENT AND INTERNATIONAL ECONOMIC COOPERATION
REPORT OF THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
PROTECTION OF GLOBAL CLIMATE FOR PRESENT AND FUTURE GENERATIONS OF MANKIND
EXTERNAL DEBT CRISIS AND DEVELOPMENT
INTERNATIONAL COOPERATION FOR ECONOMIC GROWTH AND DEVELOPMENT
REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS
HUMAN RIGHTS QUESTIONS
FINANCING OF THE UNITED NATIONS TRANSITIONAL AUTHORITY IN CAMBODIA

SECURITY COUNCIL
Forty-seventh year

Letter dated 28 July 1992 from the Permanent Representative of Singapore to the United Nations addressed to the Secretary-General

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* A/47/150.

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On behalf of the Permanent Representatives to the United Nations of the States members of the Association of South-East Asian Nations (ASEAN), I have the honour to transmit to you herewith the text of the Joint Communiqué of the Twenty-Fifth ASEAN Ministerial Meeting, issued at Manila on 22 July 1992.

I should be grateful if you could arrange to have the present letter and its annex circulated as a document of the General Assembly, under items 28, 30, 33, 35, 69, 79, 80, 81, 83, 85, 97, 98 and 125 of the provisional agenda, and of the Security Council.

(Signed) CHEW Tai Soo

ANNEX

Joint Communiqué of the Twenty-Fifth ASEAN Ministerial Meeting issued at Manila on 22 July 1992

INTRODUCTION

1. The Twenty-Fifth ASEAN Ministerial Meeting was held at Manila on 21 and 22 July 1992. The Meeting was formally opened by His Excellency Mr. Fidel V. Ramos, President of the Republic of the Philippines.

2. The Meeting was attended by His Royal Highness Prince Mohamed Bolkiah, Minister of Foreign Affairs of Brunei Darussalam; His Excellency Mr. Ali Alatas, Minister of Foreign Affairs of the Republic of Indonesia; His Excellency Datuk Abdullah bin Haji Ahmad Badawi, Minister of Foreign Affairs of Malaysia; His Excellency Mr. Raul S. Manglapus, Secretary of Foreign Affairs of the Republic of the Philippines; His Excellency Mr. Wong Kan Seng, Minister of Foreign Affairs of the Republic of Singapore; His Excellency Mr. Arsa Sarasin, Minister of Foreign Affairs of Thailand; and their respective delegations.

3. His Excellency Mr. Rusli Noor, Secretary-General of the ASEAN Secretariat, and members of his staff were also present.

4. His Excellency Mr. Maimu Raka-Nou, Special Envoy of the Minister of Foreign Affairs of Papua New Guinea, attended the open sessions as special observer.

5. His Excellency Mr. Qian Qichen, Minister of Foreign Affairs of the People's Republic of China, and His Excellency Mr. Andrei Kozyrev, Minister of Foreign Affairs of the Russian Federation, attended the open sessions as guests of the Chairman of the ASEAN Standing Committee.

6. His Excellency Mr. Nguyen Manh Cam, Foreign Minister of the Socialist Republic of Viet Nam, and His Excellency Mr. Phoun Sipraseuth, Minister of Foreign Affairs of the Lao People's Democratic Republic, also attended the opening session. In a separate ceremony, they handed over their respective instruments of accession to the Treaty of Amity and Cooperation in South-East Asia.

7. His Excellency Mr. Raul S. Manglapus, Secretary of Foreign Affairs of the Republic of the Philippines, chaired the Meeting. His Excellency Mr. Wong Kan Seng, Minister of Foreign Affairs of the Republic of Singapore, was elected Vice-Chairman.

OPENING ADDRESS

8. In his opening address, His Excellency Mr. Fidel V. Ramos, President of the Republic of the Philippines, stated that the openness and flexibility of ASEAN accounted for its success, evidenced by its dialogue partner relationships and the interest shown by other countries. Of specific significance are the special observer status of Papua New Guinea and the accession of Viet Nam and the Lao People's Democratic Republic to the Treaty of Amity and Cooperation in South-East Asia. Noting a "season of grace for building confidence", he urged for ASEAN cooperation in at least six areas: defence cooperation, including more military consultations and technical exchange, training and exercises; economic cooperation, including trade liberalization and increased access to Western markets; technology transfer; regional environmental protection; mechanisms to quell piracy as well as the illicit drug trade; and ways to deal with large-scale worker migration. He stressed that the most effective way of enhancing regional security was the strengthening of economic cooperation. As he underscored the need for an urgent solution to the rival claims in the South China Sea and for a greater role of the United Nations in conflict resolution, he called for a common vision of regional security and enhanced economic cooperation for its own sake, for a better life for ASEAN peoples and for greater political stability. As he reiterated the Philippines' commitment to the ASEAN Free Trade Area, free enterprise and private initiative, he affirmed ASEAN unity in ethnicity, culture and aspiration in common action to accelerate the economic growth and cultural development in a spirit of equality and friendship to attain the fullness of freedom, peace and prosperity for this generation and for posterity.

INTERNATIONAL AND REGIONAL SITUATION

9. The Foreign Ministers had a full and wide-ranging exchange of views on current international and regional developments. They pledged to consult closely with a view to reaching a common position on issues of special concern to ASEAN.

10. The Foreign Ministers noted the profound impact of the end of the cold war and of East-West confrontation in terms of new strategic uncertainties and fresh opportunities. They welcomed the emergence of the newly independent States in Central and Eastern Europe and Central Asia, and noted the encouraging reforms being instituted to bring about political and economic stability in the region.

11. The Foreign Ministers expressed deep concern over the deteriorating situation in Bosnia-Herzegovina and called for an immediate cessation of hostilities. They urged all parties concerned to extend their full cooperation to the United Nations and all peace initiatives.

12. The Foreign Ministers welcomed the establishment of the Interim Government in Afghanistan and expressed the hope that the ongoing process of national reconciliation and reconstruction would contribute positively to the speedy recovery of Afghanistan and also to the restoration of peace and stability in the region.

13. Pursuant to the decision of the ASEAN Heads of Government at their 4th Meeting, held in Singapore on 27 and 28 January 1992, on enhancing regional political and security cooperation, the Foreign Ministers noted that a Special Meeting of the ASEAN Senior Officials on Regional Security was held at Manila on 25 and 26 June 1992, as well as the reconvening of the Working Group on the Zone of Peace, Freedom and Neutrality in South-East Asia and the South-East Asia Nuclear Weapon Free Zone. They directed the Working Group to complete its work.

14. The Foreign Ministers welcomed the accession by Viet Nam and the Lao People's Democratic Republic to the Treaty of Amity and Cooperation in South-East Asia and expressed confidence that the Treaty would provide the framework for wider and fruitful regional cooperation for the entire South-East Asian region.

15. The Foreign Ministers also approved the applications of Viet Nam and the Lao People's Democratic Republic for observer status at the ASEAN Ministerial Meeting, immediately after the submission of their respective instruments of accession to the Treaty of Amity and Cooperation in South-East Asia.

16. The Foreign Ministers reiterated the readiness of the ASEAN countries to participate actively in the reconstruction of Cambodia, the Lao People's Democratic Republic and Viet Nam.

17. The Foreign Ministers expressed the view that any adverse development in the South China Sea directly affected the peace and security in the region. They emphasized that any territorial or jurisdictional dispute should be resolved by peaceful means, without resort to force. They urged all parties concerned to exercise self-restraint with a view to creating a positive climate for the resolution of these disputes. The Foreign Ministers noted that the Workshops on Managing Potential Conflicts in the South China Sea initiated and hosted by Indonesia had contributed to a better understanding of the issues involved. They also noted that the informal and unofficial format of the Workshops had enabled open and frank discussions to take place. The Foreign Ministers commended all parties concerned to apply the principles incorporated in the Treaty of Amity and Cooperation in South-East Asia as the basis for establishing a code of international conduct over the area. The Foreign Ministers decided to issue a separate declaration on this matter.

18. The Foreign Ministers maintained that environmental and human rights concerns should not be made as conditionalities in economic and development cooperation. They noted that basic human rights, while universal in character, were governed by the distinct culture and history of, and

socio-economic conditions in each country, and that their expression and application in the national context were within the competence and responsibility of each country.

CAMBODIA

19. Cognizant of the initial success of the implementation of the Paris Agreement on the Comprehensive Political Settlement of the Cambodian Conflict signed on 23 October 1991, the Foreign Ministers viewed with concern the current difficulties in implementing Phase II of the Agreement.

20. In this regard, the Foreign Ministers urged all parties in Cambodia to cooperate fully in the implementation of the Agreement in order to end the sufferings of the people.

21. The Foreign Ministers reiterated their recognition of the Supreme National Council as the sole legitimate body and source of authority in Cambodia and called on all parties concerned to safeguard the integrity of the Council, under the leadership of His Royal Highness Samdech Preah Norodom Sihanouk.

22. The Foreign Ministers also expressed their full support for the United Nations Transitional Authority in Cambodia (UNTAC), which is playing a pivotal role in the peace process. They also expressed appreciation to countries that had contributed resources, including manpower, to UNTAC to ensure its successful operation.

23. The Foreign Ministers also welcomed the pledges of support by the international community made during the Ministerial Conference on Rehabilitation and Reconstruction of Cambodia, held in Tokyo on 22 June 1992, and expressed the hope that more of such support would be forthcoming.

INDOCHINESE ASYLUM SEEKERS

24. The Foreign Ministers expressed concern that problems still remain in the implementation of the Comprehensive Plan of Action that hinder its accomplishment within the three-year time-frame agreed to at the 1989 International Conference on Indochinese Refugees at Geneva. They stressed that the problem of "residual" needed to be addressed urgently as tens of thousands of "screened-out" asylum seekers still remained in camps in the region. In this connection, they called for acceleration of the resettlement of refugees in third countries and of the repatriation of non-refugees to their respective countries of origin.

25. The Foreign Ministers regretted the substantial cut in the budget for activities of the Plan of Action, which hampered their implementation. They strongly urged the international community to provide the Office of the United Nations High Commissioner for Refugees with the necessary financial resources to ensure the implementation of the Plan of Action so that countries of temporary refuge or first asylum would not be left with any "residuals".

THE MIDDLE EAST

26. The Foreign Ministers reiterated their support for the continuation of the Middle East peace process under the auspices of the United Nations to address the Palestinian issue and the Arab-Israeli conflict in accordance with United Nations Security Council resolutions 242 (1967) and 338 (1973) and other relevant resolutions. On the situation in Lebanon, the Foreign Ministers reaffirmed their support for the full implementation of the 1989 Taif Agreement and Security Council resolution 425 (1978).

27. The Foreign Ministers welcomed the initiative taken by the United States of America and the Russian Federation in co-sponsoring a regional peace conference for direct negotiations on the Palestinian issue and the Arab-Israeli conflict, which constitute the main source of instability and tension in the region.

SOUTH AFRICA

28. The Foreign Ministers expressed grave concern over the continuing violence in South Africa and the breakdown in the constitutional negotiations. They called for an end to the violence and for the creation of a climate of reconciliation that would allow for the resumption of talks. They supported the call for a United Nations role in helping put back on track the constitutional negotiations that would lead to the establishment of a democratic, non-racial and united South Africa.

THE TENTH NON-ALIGNED SUMMIT

29. The Foreign Ministers expressed their support for the leadership role to be played by Indonesia in hosting the Tenth Conference of the Heads of State/Government of the Non-Aligned Movement, to be held at Jakarta from 1 to 8 September 1992. They expressed the hope that the Summit would serve as an opportunity for the Movement to contribute to the shaping of a just and equitable new world order.

INTERNATIONAL ECONOMIC ISSUES

30. In reviewing the international economic situation, the Foreign Ministers expressed concern at the decline of world output, the deceleration of trade growth in 1991 and the uncertain prospects for recovery in 1992. This situation has adversely affected the growth prospects of developing countries. They stressed that the role of industrialized countries remained central to the revival of the growth of the world economy. Therefore, the Foreign Ministers urged these countries vigorously to pursue policies aimed at promoting sustained non-inflationary world economic growth.

31. The Foreign Ministers emphasized that in the current difficult world economic environment, the need for a successful Uruguay Round and a strengthened multilateral trading system was now more urgent to both developing and developed countries. Failure of the Round could only further restrict economic growth opportunities, encourage protectionist policies and seriously weaken the multilateral trading system. Therefore, the Foreign Ministers strongly urged the major players to demonstrate their political will and take positive steps to ensure without further delay a balanced, meaningful and satisfactory conclusion of the Uruguay Round.

32. The Foreign Ministers expressed dismay over the failure to conclude the Uruguay Round of multilateral trade negotiations owing to the stalemate on agriculture between major players. They expressed disappointment that the G-7 Summit at Munich failed to produce any progress for the Round.

33. The Foreign Ministers reaffirmed their view that large and powerful economic groupings among developed countries must strengthen an open international economic regime, in particular, an open multilateral trading system. The Ministers expressed their resolve to exert all efforts to promote an open international trading system.

34. Noting the competing demands for capital and investment resources, the Foreign Ministers underscored the need to increase global savings required for structural adjustments and reconstruction efforts, with a view to revitalizing world economic growth.

35. On the external debt crisis, the Foreign Ministers welcomed the progress made recently in the implementation of the debt relief approaches. They reiterated the need for a coordinated tripartite approach involving debtors, creditor countries and financial institutions to take steps to alleviate the debt burden of developing countries, far beyond the scope of the current terms and to allow for recovery, growth and development in the countries concerned. In this connection, the Foreign Ministers endorsed the idea of a major write-off of debts by official donors and commercial banks as well as by multilateral institutions.

36. The Foreign Ministers reiterated that environment and development were mutually interrelated and mutually reinforcing. The right to development was a fundamental right of all peoples and measures for the protection of the environment should support economic growth and sustainable development. The Foreign Ministers reaffirmed that ASEAN should strengthen joint actions in countering the anti-tropical-timber campaigns in the major developed countries.

37. The Foreign Ministers welcomed the convening of the United Nations Conference on Environment and Development, held at Rio de Janeiro from 3 to 14 June 1992, and viewed the Earth Summit not as an end in itself but as a new beginning for a global partnership in attaining sustainable development in both developed and developing countries. In this context, it is imperative that the developed countries and the multilateral financial institutions implement the commitments made at Rio by granting new and additional financial resources and environmentally sound technologies to the developing countries.

38. The Foreign Ministers welcomed the declaration of the United Nations Security Council of 31 January 1992, which recognized "that peace and prosperity are indivisible and that lasting peace and stability require effective international cooperation for the eradication of poverty and the promotion of a better life for all in larger freedom". The Foreign Ministers also reiterated their commitment to the new partnership for development forged at the eighth session of the United Nations Conference on Trade and Development at Cartagena de Indias, Colombia. In this partnership, developed and developing countries committed themselves to engage in continuous and constructive dialogue to achieve a more efficient and more equitable world economy.

39. The Foreign Ministers reiterated their view that the emerging global economic order must provide for more equal economic opportunities for all nations. Noting that aggregate net flows to the developing countries in 1991 had declined in real terms, they urged the international community to intensify efforts to provide substantial development finance to complement domestic resources to improve developing countries' prospects for sustaining growth-oriented adjustment and poverty alleviation. They also called upon the industrialized countries and the multilateral financial institutions to intensify their efforts to promote foreign direct investment in developing countries. Finally, the Foreign Ministers underscored the importance of a more favourable external environment for the growth and development of developing countries and urged the industrialized countries to establish a genuinely open multilateral trading sytem.

IMPLEMENTATION OF FOURTH ASEAN SUMMIT DECISIONS

40. The Foreign Ministers affirmed ASEAN's commitment to the decision of the 4th meeting of the ASEAN Heads of Government, held in Singapore on 27 and 28 January 1992, to establish an ASEAN Free Trade Area (AFTA) within 15 years. The Foreign Ministers expressed satisfaction with the progress made towards the implementation of the Agreement on the Common Effective Preferential Tariff Scheme for AFTA. This Agreement, together with the Framework Agreement on Enhancing Economic Cooperation, was a significant step forward for ASEAN and firmly set economic cooperation as the major item on the ASEAN agenda.

41. The Foreign Ministers signed the Protocol Amending the Agreement on the Establishment of the ASEAN Secretariat to streamline and strengthen the ASEAN Secretariat. The enhanced status and enlarged mandate of the new ASEAN Secretary-General and the increase in the number of staff in the ASEAN Secretariat recruited on an open basis will enable the ASEAN Secretariat to play a greater role in promoting ASEAN cooperation.

SELECTION OF THE SECRETARY-GENERAL OF ASEAN

42. The Foreign Ministers agreed to recommend to the ASEAN Heads of Government the appointment of His Excellency Dato Ajit Singh as Secretary-General of ASEAN effective 1 January 1993.

43. The Foreign Ministers also expressed their profound appreciation to the outgoing Secretary-General of the ASEAN Secretariat, His Excellency Mr. Rusli Noor, for his dedicated services and invaluable contributions to ASEAN.

INTRA-ASEAN COOPERATION

44. The Foreign Ministers noted with satisfaction the progress of activities in several areas of intra-ASEAN cooperation.

45. In the area of information, the Foreign Ministers welcomed the decision of the Second Conference of ASEAN Ministers Responsible for Information, held at Kuala Lumpur on 1 and 2 August 1991, to create a greater awareness of ASEAN in the region and to project its image more effectively internationally. They fully concurred on the need for a more balanced flow of information.

46. The Foreign Ministers welcomed the results of the 13th Meeting of the ASEAN Ministers of Agriculture and Forestry, held at Chiang Rai from 31 October to 2 November 1991, which identified the areas where ASEAN cooperation in agriculture, food and forestry in the 1990s would be further strengthened, especially the joint promotion of ASEAN agricultural products. They also welcomed the decisions of the 4th Meeting of ASEAN Ministers of Health, held at Jakarta on 4 and 5 December 1991, to exchange health information in ASEAN, with emphasis on AIDS and environmental health.

47. The Foreign Ministers fully endorsed the Singapore Resolution on Environment and Development adopted by the Fifth Conference of ASEAN Ministers Responsible for Environment, held in Singapore on 17 and 18 February 1992, which sets the directions for ASEAN to enhance its ongoing and future cooperation on environment and development.

48. In view of the increasingly strong competition to attract foreign investment by the developed as well as the developing countries, the Foreign Ministers agreed to encourage their respective officials responsible for investment promotion to conduct regular consultations with a view to increasing inflows of foreign investments to ASEAN countries.

COOPERATION WITH DIALOGUE COUNTRIES AND OTHER ORGANIZATIONS

49. The Foreign Ministers endorsed the recommendations of the 4th Meeting of the 25th ASEAN Standing Committee to implement the decision of the Fourth ASEAN Summit to strengthen ASEAN's cooperative relationships with its dialogue partners. While these cooperative relationships have made significant progress, the Foreign Ministers supported the thrust of the recommendations that ASEAN should strengthen the existing dialogue mechanisms and develop new ones where necessary for the enhancement of economic relations with the dialogue countries, especially ASEAN's major economic partners. They also noted with appreciation the active role now being played by the private sector in the dialogue process.

ASIA-PACIFIC ECONOMIC COOPERATION

50. The Foreign Ministers noted that the Second Senior Officials' Meeting of the Asia-Pacific Economic Cooperation, held at Bangkok from 22 to 24 June 1992, adopted recommendations on the nature and structure of the APEC Support Mechanism and the funding arrangements, which will be considered at the Fourth APEC Ministerial Meeting at Bangkok on 10 and 11 September 1992. They noted that the establishment of a support mechanism would mark a new phase in the organizational evolution of the APEC process.

EAST ASIA ECONOMIC CAUCUS

51. The Foreign Ministers, having considered the outcome of the joint consultative meeting held on 19 July 1992 at Manila, in accordance with the decision of the Fourth ASEAN Summit, decided to request the Secretary-General of the ASEAN Secretariat, as Chairman of the joint consultative meeting, to study an appropriate modality that would complete the elaboration of the concept of EAEC with a view to accomplishing its realization, taking into account the ideas presented at the meeting as well as earlier discussions held on the matter.

TWENTY-FIFTH ANNIVERSARY OF ASEAN

52. The Foreign Ministers noted with satisfaction the various programmes and activities that had been and would be undertaken to commemorate the twenty-fifth year of ASEAN. They also encouraged the implementation of such activities by ASEAN committees in third countries for the rest of the year.

TWENTY-SIXTH ASEAN MINISTERIAL MEETING

53. The Foreign Ministers agreed that the 26th ASEAN Ministerial Meeting would be held in Singapore in July 1993.

54. The delegations of Brunei Darussalam, Indonesia, Malaysia, Singapore and Thailand expressed their sincere and deep appreciation to the Government and people of the Republic of the Philippines for the warm and generous hospitality and excellent facilities and arrangements made for the Meeting.

55. The Meeting was held in the traditional spirit of ASEAN friendship and solidarity.

UNITED
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Security Council

Distr.
GENERAL

S/24358
29 July 1992

ORIGINAL: ENGLISH

LETTER DATED 26 JULY 1992 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to present to you the letter dated 25 July 1992 from the Presiden_ of the Republic of Bosnia and Herzegovina, H.E. Mr. Alija Izetbegovic.

May I ask for your kind assistance in circulating the letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative

Annex

Letter dated 25 July 1992 from the President of the Republic of Bosnia and Herzegovina addressed to the President of the Security Council

A convoy carrying military relief, organized by the Office of the United Nations High Commissioner for Refugees (UNHCR) and escorted by the United Nations Protection Force (UNPROFOR), was not able to reach the besieged town of Gorazde. The aggressor forces prevented the convoy from delivering medicine and food to the town's 70,000 civilians, which includes 30,000 refugees. The townspeople have not received any outside aid for more than three months.

We kindly request that the Security Council undertake without delay all necessary measures for the convoy to return to Gorazde and distribute aid to the war-stricken civilians.

We would like to call to your attention that on 11 July 1992 we forwarded an appeal to the United Nations Secretary-General requesting help for the town of Gorazde, while noting that the aggressor was threatening massacres against the civilians in the town.

This perceived danger is now a reality in Gorazde.

May I request that this letter be circulated as a document of the Security Council.

(Signed) Alija IZETBEGOVIC

UNITED
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Security Council

Distr.
GENERAL

S/24359
29 July 1992
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 21 JULY 1992 FROM THE PERMANENT REPRESENTATIVE OF VENEZUELA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that the Republic of Venezuela has taken the necessary measures to implement Security Council resolution 757 (1992) imposing sanctions on the Federal Republic of Yugoslavia.

By means of an official announcement from the Ministry of Foreign Affairs dated 10 July 1992, the Government of Venezuela has notified all individuals and legal persons who are nationals of the Republic of Venezuela or domiciled therein of the scope of the measures provided for in Security Council resolution 757 (1992) and of their obligatory nature under the Charter of the United Nations. At the same time they were notified of their obligation to declare any assets held in the Republic of Venezuela by the Federal Republic of Yugoslavia to the Ministry of Foreign Affairs.

Venezuela will report in due course on the measures taken to reduce the diplomatic staff of the Federal Republic of Yugoslavia accredited to Venezuela.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Diego ARRIA
Permanent Representative

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Security Council

Distr.
GENERAL

S/24360
30 July 1992

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 21 July 1992 (S/24341) and taking note of the observations expressed therein,

Taking note of the letter dated 15 July 1992 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General (S/24293),

Responding to the request of the Government of Lebanon,

1. Decides to extend the present mandate of UNIFIL for a further interim period of six months, that is until 31 January 1993;

2. Reiterates its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. Reiterates that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

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S/24361
29 July 1992

ORIGINAL: ENGLISH

LETTER DATED 29 JULY 1992 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I wish to acknowledge receipt of your letter dated 15 July 1992 (S/24340) regarding the situation in Haiti.

I have brought the letter to the attention of the members of the Security Council, who took note of it at the informal consultations held on 20 July 1992.

(Signed) Jose Luis JESUS
President of the Security Council

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GENERAL

S/24362
30 July 1992

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

Following consultations with the members of the Security Council, the President of the Council made the following statement, on behalf of the Council, at its 3102nd meeting, on 30 July 1992, in connection with the Council's consideration of the item entitled "The situation in the Middle East":

"The members of the Security Council have noted with appreciation the report of the Secretary-General on the United Nations Interim Force in Lebanon (UNIFIL) (S/24341) submitted in conformity with resolution 734 (1992).

"They reaffirm their commitment to the full sovereignty, independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries. In this context, they assert that any State shall refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.

"As the Security Council extends the mandate of UNIFIL for a further interim period on the basis of resolution 425 (1978), the members of the Council again stress the urgent need for the implementation of that resolution in all its aspects. They reiterate their full support for the TAIF Agreement and for the continued efforts of the Lebanese Government to consolidate peace, national unity and security in the country. The members of the Council commend the Lebanese Government for its successful efforts to deploy units of its army in the south of the country in full coordination with UNIFIL.

"The members of the Security Council express their concern over the continuing violence in southern Lebanon, regret the loss of civilian life and urge all parties to exercise restraint.

"The members of the Security Council take this opportunity to express their appreciation for the continuing efforts of the Secretary-General and his staff in this regard and commend UNIFIL's troops and troop-contributing countries for their sacrifices and commitment to the cause of international peace and security under difficult circumstances."

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Distr.
GENERAL

S/24363
30 July 1992

ORIGINAL: ENGLISH

LETTER DATED 30 JUNE 1992 FROM THE PRESIDENT OF THE GOVERNING COUNCIL OF THE UNITED NATIONS COMPENSATION COMMISSION ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith, for the attention of the Security Council, the following information on the sixth session of the Governing Council, held from 22 to 26 June 1992.

At its 27th plenary meeting, 26 June, the Governing Council approved the text of the "Provisional Rules for Claims Procedure", which includes the following sections:

(a) Provisions;

(b) Submission and filing of claims;

(c) Commissioners;

(d) Procedures governing the work of the Panels.

I enclose the text of the approved Provisional Rules for Claims Procedure (S/AC.26/1992/10) (annex I).

At the same meeting, the Council decided to approve a text regarding the eligibility for compensation of members of the Allied Coalition Armed Forces, the text of which is also enclosed (S/AC.26/1992/11) (annex II).

The secretariat informed the Council that claim form "D" (claims by individuals above US$ 100,000) and claim form "E" (claims by corporations and other legal entities) have been distributed among Governments. A draft of claim form "F" (claims by Governments and international organizations) was submitted to the members of the Council for comments.

The Council also discussed working papers submitted by several of its members containing examples of compensable business losses in order to provide the Commissioners with further guidance on this matter. It was decided to continue the discussions at the next session.

The Council began discussions on the question of "priority of payments", to be continued at the next session.

Representatives of Poland, Kuwait and Iraq were authorized to address the Council at its 26th plenary meeting, on 22 June 1992.

At the same meeting, the Council also decided not to accede to Iraq's request to participate in the work of the Council as an observer.

(Signed) Alex REYN
President
Governing Council
United Nations Compensation Commission

Annex I

Decision taken by the Governing Council of the United Nations Compensation Commission at its sixth session, 27th meeting, on 26 June 1992*

The Governing Council decides:

To approve the Provisional Rules for Claims Procedure, the text of which is annexed to the present decision.

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* Previously issued under the symbol S/AC.26/1992/10.

Enclosure

PROVISIONAL RULES FOR CLAIMS PROCEDURE

I. GENERAL PROVISIONS

Article 1. Use of terms

The following definitions apply for the purpose of these Rules:

1. "Commission" means the United Nations Compensation Commission.

2. "Compensation Fund" or "Fund" means the United Nations Compensation Fund, created by paragraph 18 of Security Council resolution 687 (1991) and established by paragraph 3 of Security Council resolution 692 (1991) in accordance with section I of the Secretary-General's report (S/22559) dated 2 May 1991.

3. "Secretary-General" means the Secretary-General of the United Nations.

4. "Governing Council" or "Council" means the Governing Council of the Commission.

5. "Commissioners" means experts appointed by the Governing Council for the verification and evaluation of claims.

6. "Executive Secretary" means the Executive Secretary of the Commission and includes any Deputy of, or other person authorized by, the Executive Secretary.

7. "Secretariat" means the secretariat of the Commission.

8. "Standard forms" means claim forms prepared and distributed to Governments by the Executive Secretary for claims under claims criteria adopted by the Governing Council.

9. "Claim forms" means standard forms and any other form agreed between the Executive Secretary and the Government or international organization in question for filing claims.

10. "Rules" means the Commission's Provisional Rules for Claims Procedure.

11. "Criteria" means criteria for expedited processing of urgent claims (Governing Council's decision S/AC.26/1991/1 dated 2 August 1991), and criteria for additional categories of claims (Governing Council's decision S/AC.26/1991/7 dated 4 December 1991) as well as any other criteria that the Governing Council may adopt.

12. "Claimant" means any individual, corporation or other private legal entity, public sector entity, Government, or international organization that files a claim with the Commission.

13. "Person or body" means an individual, corporation or other private legal entity, public sector entity, Government, or international organization.

14. "International organization" means an international organization of States.

15. "Documents" means all submissions and evidence presented by a claimant in support of a claim, in whatever form, including statements of claim in categories E and F.

16. "Database" means computerized information, pertaining to individual claimants and claims, kept by the Commission to assist in the processing of claims.

Article 2. Scope of the Rules

These Rules apply to processing of claims submitted to the Commission under the criteria adopted by the Governing Council.

Article 3. Calculation of periods of time

For the purposes of calculating a period of time under these Rules, such period shall begin to run on the day following the day when the document is received or a notification is made. If the last day of such period is an official holiday or a non-business day at the headquarters of the Commission, the period is extended until the first business day that follows. Official holidays and non-business days occurring during the running of the period of time are included in calculating the period. The Executive Secretary will issue a list of such days.

II. SUBMISSION AND FILING OF CLAIMS

Article 4. Submission of claims

1. Claim forms and documents are to be submitted to the Commission at the Secretariat's headquarters (Palais des Nations, Villa La Pelouse, Geneva, Switzerland).

2. Claim forms shall be deemed to have been submitted when they are physically delivered to and received by the Secretariat.

Article 5. Who may submit claims

1. Governments and international organizations are entitled to submit claims to the Commission.

(a) A Government may submit claims on behalf of its nationals and, at its discretion, of other persons resident in its territory. In the case of Governments existing in the territory of a former federal state, one such Government may submit claims on behalf of nationals, corporations or other entities of another such Government, if both Governments agree.

(b) A Government may submit claims on behalf of corporations or other entities that, on the date on which the claim arose, were incorporated or organized under the law of that State. If the Governments concerned agree, one Government may submit claims in respect of joint ventures on behalf of the nationals, corporations or other entities of other Governments.

(c) Claims may be submitted on behalf of an individual, corporation or other entity by only one Government.

(d) International organizations may submit claims only on their own behalf.

2. An appropriate person, authority, or body appointed by the Governing Council may submit claims on behalf of persons who are not in a position to have their claims submitted by a Government.

3. A corporation or other private legal entity is required to request the State of its corporation or organization to submit its claim to the Commission. In the case of a corporation or other private legal entity whose State of incorporation or organization fails to submit, within the time-limit established by the Governing Council, such claims falling within the applicable criteria, the corporation or other private legal entity may itself make a claim to the Commission within three months thereafter. It must provide at the same time an explanation as to why its claim is not being submitted by a Government.

Article 6. Claim forms and language

1. Except as may otherwise be agreed between the Executive Secretary and the Government or international organization in question, claims must be submitted on the standard forms prepared and distributed by the Secretariat.

2. Owing to the fact that the Commission's computerized software and database system, which is technically required for the processing of a large number of claims, has been designed in English, the working language of the claims procedure before the Commission will be English.

3. Claim forms can be submitted in any of the official languages of the United Nations. However, since English is the working language of the claims procedure and of the Commission's computerized database, in cases where claim forms are not submitted in English, an English translation of the form must be provided. The translation, as submitted, will serve as the basis for the evaluation of the claim.

4. With respect to claims in categories A, B and C, the documents supporting the claims are not required to be translated into English at the stage of the submission of the claims. The secretariat, on the basis of methods adopted for processing and evaluation of claims, will notify each Government as to the extent of the translation required and the time-limit for providing it.

5. With respect to claims in categories D, E and F, all documents supporting the claims must also be submitted in English or be accompanied by an English translation.

6. In the case of oral proceedings, the Executive Secretary shall arrange for interpretation as necessary into and from other official languages of the United Nations.

Article 7. Format of claims

1. Claim forms in category A must be submitted only in the computer format distributed by the secretariat. Governments will maintain custody of the original paper copies of form A and supporting documents and will make them available to the Commission upon request.

2. Claim forms and documents in all other categories must be submitted on paper. In addition to filing claims in these categories on paper, Governments may also submit them in a computer format.

3. All claim forms and documents filed with the Commission on paper are to be submitted on paper 8 1/2 inches x 11 inches or on A-4 size paper (21 centimetres x 29.5 centimetres) or on paper no larger than A-4. If a document cannot conveniently be reproduced on paper no larger than A-4, it is to be folded to A-4 size, unless the Executive Secretary agrees otherwise in special circumstances.

4. Claims and documents filed with the Commission in a computer format are to be submitted on MS/DOS or UNIX compatible formats, or in such other format as may be agreed to by the Executive Secretary.

Article 8. Copies

1. Except as otherwise agreed to by the Executive Secretary, claim forms and documents must be submitted with the following number of copies:

For category A:	3 copies of micro floppy disk
For categories B and C:	1 original and 2 copies
For D and other categories:	1 original and 8 copies

2. The secretariat, or the Commissioners, may request additional copies or accept a smaller number in exceptional circumstances.

Article 9. Representatives

For the purpose of these Rules, all communications between the Commission's secretariat and a Government concerning claims shall take place through its Permanent Mission at Geneva. Further, except in cases where a specially authorized representative is designated by a Government and notified to the Executive Secretary, the head of the Permanent Mission of a Government shall be considered as its representative before the Commission. Governments that do not maintain Permanent Missions at Geneva and international organizations shall notify the name of their duly authorized representatives to the Executive Secretary.

Article 10. The Registry

A registry will be set up within the secretariat. A member of the secretariat will be designated by the Executive Secretary as Registry Officer. The Registry Officer will receive the claims and register them.

Article 11. Receipt of claims

1. Upon the submission of a claim, the Registry Officer will issue a delivery receipt identifying the parcel received and confirming the date it was received and the person who presented it.

2. The Registry Officer will in due course verify:

(a) That the claim has been submitted by a person or body who, in accordance with the decisions of the Governing Council, has a right to file claims with the Commission;

(b) That the claim has been submitted within the relevant time-limit established by the Governing Council;

(c) That, in the case of a corporation or other private legal entity making a claim directly to the Commission in accordance with article 5, paragraph 3, above:

(i) Evidence is attached indicating that a request was made by the entity concerned to the State of its incorporation or organization to submit its claim to the Commission;

(ii) Explanation is provided as to why the claim was not submitted by a Government.

Article 12. Unauthorized or late submissions

1. In the case of claims submitted by an unauthorized person or entity, including claims presented by a corporation or other private legal entity

without showing that a previous request has been made to the State of its incorporation or organization, the Executive Secretary will return the documents received, and inform the person or entity concerned of the reasons why the claim cannot be registered.

2. In the case of claims submitted by an authorized person or body after the expiration of the time-limit set by the Governing Council for a given category of claims, the Executive Secretary will report to the Governing Council. The Governing Council will decide whether to accept the late-filed claims or not.

Article 13. Filing receipt

If the claim is submitted by an authorized person or body within the established time-limit, the Registry Officer will register the claim and issue a filing receipt indicating:

(a) The claim and its category;

(b) The party who presented the claim;

(c) The number of claims contained in a consolidated claim;

(d) The number assigned to the claim for identification.

Article 14. Preliminary assessment

1. The secretariat will make a preliminary assessment of the claims received in order to determine whether they meet the formal requirements established by the Governing Council. To this end the secretariat will verify:

(a) That the claims have been submitted on the appropriate claim forms with the required number of copies, and in English or with an English translation;

(b) That the claims contain the names and addresses of the claimants and, where applicable, evidence of the amount, type and causes of losses;

(c) That the affirmation by the Government has been included in respect of each consolidated claim stating that, to the best of the information available to it, the claimants are its nationals or residents, and that it has no reason to believe that the information stated in the claims is incorrect;

(d) That all required affirmations have been given by each claimant.

2. In the case of claims of corporations and other legal entities the secretariat will also verify that each separate claim contains:

(a) Documents evidencing the name, address and place of incorporation or organization of the entity;

(b) Evidence that the corporation or the legal entity was, on the date on which the claim arose, incorporated or organized under the law of the State the Government of which has submitted the claim;

(c) A general description of the legal structure of the entity;

(d) An affirmation by the authorized official for each corporation or other entity that the information contained in the claim is correct.

Article 15. Claims not meeting the formal requirements

If it is found that the claim does not meet the formal requirements established by the Governing Council, the secretariat will notify the person or body that submitted the claim about that circumstance and will give it 60 days from the date of that notification to remedy the defect. If the formal requirements are not met within this period, the claim shall not be considered as filed.

Article 16. Reports and views on claims

1. The Executive Secretary will make periodic reports to the Governing Council concerning claims received. These reports shall be made as frequently as required to inform the Council of the Commission's case load but not less than quarterly. The reports shall indicate:

(a) Governments, international organizations or other eligible parties that have submitted claims;

(b) The categories of claims submitted;

(c) The number of claimants in each consolidated claim;

(d) The total amount of compensation sought in each consolidated claim.

In addition, each report may indicate significant legal and factual issues raised by the claims, if any.

2. The Executive Secretary's report will be promptly circulated to the Government of Iraq as well as to all Governments and international organizations that have submitted claims.

3. Within 30 days in case of claims in categories A, B and C, and 90 days in case of claims in other categories, of the date of the circulation of the Executive Secretary's report, the Government of Iraq as well as Governments and international organizations that have submitted claims, may present their additional information and views concerning the report to the Executive Secretary for transmission to panels of Commissioners in accordance with article 32. There shall be no extensions of the time-limits specified in this paragraph.

4. Requirements set forth in articles 3, 4, 6 (3), 7, 8 and 11 (1) shall apply to such additional information and views.

Article 17. Categorization of claims

In order to facilitate the work of Commissioners and to ensure uniformity in the treatment of similar claims, the secretariat will proceed to categorize claims according to, inter alia, the type or size of the claims and the similarity of legal and factual issues.

III. COMMISSIONERS

Article 18. Appointment

1. Commissioners shall be appointed for specific tasks and terms by the Governing Council upon nomination by the Secretary-General on the basis of recommendations of the Executive Secretary.

2. The Secretary-General has established a Register of Experts which, as stated in his invitation of 12 June 1991 for the submission of names of experts, while not limiting his selection, might be drawn upon when Commissioners are nominated for appointment. The Executive Secretary will keep and update the Register.

Article 19. Qualifications

1. In nominating and appointing the Commissioners, due regard shall be paid to the need for geographical representation, professional qualifications, experience and integrity.

2. Commissioners will be experts in fields such as finance, law, accounting, insurance, environmental damage assessment, oil, trade and engineering.

3. Nominations and appointments of Commissioners shall be made paying due regard to the nature of the claims and categories of claims to be assigned to them.

Article 20. Procedure for appointment

1. The Executive Secretary will transmit to the Governing Council the nominations for Commissioners proposed by the Secretary-General, indicating which Commissioners are to serve on each panel and who, within each panel, will act as a Chairman.

2. The Executive Secretary will recommend to the Secretary-General for nomination as many panels of Commissioners as necessary to process claims in an expeditious manner.

3. When transmitting to the Governing Council the nominations for Commissioners, the Executive Secretary will specify the claims or categories of claims to be assigned to each panel, indicating the expertise and the number of Commissioners required.

4. If the Governing Council does not agree on the appointment of a nominee for a panel, it will request the Secretary-General, through the Executive Secretary, to submit a new nomination.

5. If, at the time the Executive Secretary transmits the new nomination the Governing Council is not in session, the new nomination will be communicated to the members of the Governing Council. The Governing Council may approve replacement Commissioners at intersessional meetings.

6. The same procedure will apply whenever a new Commissioner must be nominated.

Article 21. Requirements

1. Commissioners will act in their personal capacity. Commissioners shall not have financial interests in any of the claims submitted to them or to the panel to which they belong. They may not be associated with or have financial interests in any corporations whose claims have been submitted to them or to the panel to which they belong.

2. Commissioners shall not represent or advise any party or claimant concerning the preparation or presentation of their claims to the Commission during their service as Commissioner or for two years thereafter.

Article 22. Disclosure

1. All prospective Commissioners shall file a statement that shall disclose to the Executive Secretary any prior or actual relationship with Governments, corporations or individuals, or any other circumstances, that are likely to give rise to justifiable doubts as to his impartiality or independence with respect to his prospective tasks. This information will be provided to the Governing Council at the time the nomination of the prospective Commissioner is transmitted.

2. A Commissioner, once appointed, shall disclose to the Executive Secretary any new circumstances likely to give rise to justifiable doubts as to his impartiality or independence.

3. When any Commissioner obtains knowledge that any particular claim before his panel involves circumstances likely to give rise to justifiable doubts as to his impartiality or independence with respect to that claim or group of claims, he shall disclose such circumstances to the Executive Secretary and, if appropriate, shall disqualify himself as to that case.

4. If any Government, international organization, individual claimant, or Commissioner becomes aware of circumstances that give rise to justifiable doubts as to a Commissioner's impartiality or independence, such circumstances must be communicated to the Executive Secretary not later than 15 days after they became known.

5. The Executive Secretary will inform the Governing Council about the circumstances brought to his attention or of which he learns that are likely to give rise to justifiable doubts as to the impartiality or independence of a Commissioner, transmitting a statement of the Commissioner concerned.

6. In any case in which such circumstances are disclosed to the Governing Council, it may determine whether the Commissioner should cease to act, either generally or with respect to a particular claim or claims. Pending such a determination by the Governing Council, the Commissioner concerned will continue to perform his tasks.

Article 23. Resignation

1. A Commissioner who intends to resign from his office shall communicate his decision, through the Executive Secretary, to the Governing Council.

2. A Commissioner who has submitted his resignation shall continue to perform his functions until such time as his resignation is accepted by the Governing Council.

Article 24. Completion of work

If a Commissioner resigns during the course of consideration of any particular claim or group of claims, the Commissioner will continue to serve for the limited purpose of completing work on that particular claim or group of claims, unless excused by the Governing Council.

Article 25. Failure to act

In the event that a Commissioner fails to act or in the event of de jure or de facto impossibility of his performing his functions, the Executive Secretary shall inform the Governing Council, which may decide to replace the Commissioner in accordance with the procedures set forth in article 20, paragraph 6.

Article 26. Privileges and immunities

Commissioners, when performing functions for the Commission, will have the status of experts on mission within the meaning of article VI of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946.

Article 27. Declaration

Every Commissioner shall, before taking up his duties, make the following declaration:

"I solemnly declare that I will perform my duties and exercise my position as Commissioner honourably, faithfully, independently, impartially and conscientiously."

This declaration shall be signed and delivered to the Executive Secretary, and attached to the documents pertaining to the Commissioner's appointment.

IV. PROCEDURES GOVERNING THE WORK OF THE PANELS

Article 28. Constitution of panels

1. Unless otherwise decided by the Governing Council, Commissioners will work in panels of three members. Each of the members of a panel shall be of different nationality.

2. Priority is to be given to the establishment of panels of Commissioners to deal with claims in categories A, B and C.

Article 29. Organization of work

Chairmen of the panels will organize the work of their respective panels so as to ensure the expeditious processing of the claims and the consistent application of the relevant criteria and these Rules.

Article 30. Confidentiality

1. Unless otherwise provided in these procedures or decided by the Governing Council, all records received or developed by the Commission will be confidential, but the secretariat may provide status reports to Governments, international organizations or corporations making claims directly to the Commission in accordance with article 5, paragraph 3, regarding claims that they have submitted.

2. Panels will conduct their work in private.

3. Commissioners shall not disclose, even after the termination of their functions, any information not in the public domain that has come to their knowledge by reason of their working for the Commission.

Article 31. Applicable law

In considering the claims, Commissioners will apply Security Council resolution 687 (1991) and other relevant Security Council resolutions, the criteria established by the Governing Council for particular categories of claims, and any pertinent decisions of the Governing Council. In addition, where necessary, Commissioners shall apply other relevant rules of international law.

Article 32. Submission of claims to panels

1. Following the appointment of Commissioners by the Governing Council, the Executive Secretary will submit to panels of Commissioners the single claims or categories of claims assigned to each of them together with the related documentation, containing the results of the preliminary assessment made by the secretariat and any other information deemed to be useful for the work of the Commissioners, as well as the additional information and views submitted in accordance with article 16.

2. Any information received by the secretariat after the expiration of the time-limits as established in article 16 will be submitted when received, but the work of the panel will not be delayed pending receipt or consideration of such information.

3. The Executive Secretary may, after consulting the relevant panel chairmen, reallocate a claim or claims from one panel to another in order to ensure the efficient processing of claims.

Article 33. Work of the panels

1. After receiving claims from the Executive Secretary, Commissioners will examine them and meet to deliberate and prepare their recommendations to the Governing Council.

2. Panels of Commissioners will normally meet at the headquarters of the secretariat. Meetings wll be held to the extent deemed necessary by the Chairman of each panel. Commissioners will continue their work on the claims while away from the headquarters of the secretariat, conducting the necessary communcations among themselves and with the secretariat.

3. Any recommendation or other decision of the panel shall be made by a majority of the Commissioners.

Article 34. Assistance by the Executive Secretary

1. The Executive Secretary and the staff of the secretariat will provide administrative, technical and legal support to the Commissioners, including

the development and maintenance of a computerized database for claims and assistance in obtaining additional information.

2. In considering the claims, the Commissioners will take into account the results of the preliminary assessment of claims made by the secretariat in accordance with article 14, as well as other information and views that the Executive Secretary may provide in accordance with article 32.

3. A member of the secretariat may attend sessions of the panel and may, if required, provide information to the Commissioners.

Article 35. Evidence

1. Each claimant is responsible for submitting documents and other evidence which demonstrate satisfactorily that a particular claim or group of claims is eligible for compensation pursuant to Security Council resolution 687 (1991). Each panel will determine the admissibilty, relevance, materiality and weight of any documents and other evidence submitted.

2. With respect to claims received under the criteria for expedited processing of urgent claims (S/AC.26/1991/1), the following guidelines will apply:

(a) For the payment of fixed amounts in the case of departures, claimants are required to provide simple documentation of the fact and date of departure from Iraq or Kuwait. Documentation of the actual amount of loss will not be required;

(b) For the payment of fixed amounts in the case of serious personal injury not resulting in death, claimants are required to provide simple documentation of the fact and date of the injury; in the case of death, claimants are required to provide simple documentation of the death and family relationship. Documentation of the actual amount of loss will not be required;

(c) For consideration of claims up to US$ 100,000 of actual losses, such claims must be documented by appropriate evidence of the circumstances and amount of claimed loss. Documents and other evidence required will be the reasonable minimum that is appropriate under the particular circumstances of the case. A lesser degree of documentary evidence ordinarily will be sufficient for smaller claims such as those below US$ 20,000.

3. With respect to claims received under the criteria for processing claims of individuals not otherwise covered, claims of corporations and other entities, and claims of governments and international organizations (S/AC.26/1991/7/Rev.1), such claims must be supported by documentary and other appropriate evidence sufficient to demonstrate the circumstances and amount of the claimed loss.

4. A panel of Commissioners may request evidence required under this Article.

Article 36. Additional information

A panel of Commissioners may:

(a) In unusually large or complex cases, request further written submissions and invite individuals, corporations or other entities, Governments or international organizations to present their views in oral proceedings;

(b) Request additional information from any other source, including expert advice, as necessary.

Article 37. Review by Commissioners of urgent claims

With respect to claims received under the criteria for expedited processing of urgent claims (S/AC.26/1991/1), the following expedited procedures may be used:

(a) The secretariat will proceed to check individual claims by matching them, in so far as possible, against the information in its computerized database. The results of the database analysis may be cross-checked by the panel;

(b) With respect to claims that cannot be completely verified through the computerized database, if the volume of claims is large, the panel may check individual claims on the basis of a sampling with further verification only as circumstances warrant;

(c) Each panel will make its recommendations on the basis of the documents submitted, taking into account the preliminary assessment conducted in accordance with article 14, any other information and views submitted in accordance with article 32 and any information submitted in accordance with article 34. Each panel will normally make its recommendations without holding an oral proceeding. The panel may determine that special circumstances warrant holding an oral proceeding concerning a particular claim or claims;

(d) Each panel will complete its review of the claims assigned to it and issue its report as soon as possible but no later than 120 days from the date the claims in question are submitted to the panel;

(e) Each panel will report in writing through the Executive Secretary to the Governing Council on the claims received and the amount recommended to be allocated to each Government or other entity for each consolidated claim. Each report will briefly explain the reasons for the recommendations and, to the extent practicable within the time-limit, contain a breakdown of the recommendations in respect of individual claims within each consolidated claim.

Article 38. Review by Commissioners of other claims

With respect to claims received under the criteria for processing of claims of individuals not otherwise covered, claims of corporations and other entities, and claims of Governments and international organizations (S/AC.26/1991/7/Rev.1), the following procedures will be used:

(a) In so far as possible, claims with significant common legal and factual issues will be processed together;

(b) Panels may adopt special procedures appropriate to the character, amount and subject-matter of the particular types of claims under consideration;

(c) Each panel will complete its review of any claim or group of claims and report in writing through the Executive Secretary to the Governing Council within 180 days of the date the claims in question are submitted to the panel, except for any unusually large or complex claims referred for detailed review, as described below. Each panel will make its recommendations on the basis of the documents submitted, taking into account the preliminary assessment conducted in accordance with article 14, any other information and views submitted in accordance with article 32 and any information submitted in accordance with article 34;

(d) Unusually large or complex claims may receive detailed review, as appropriate. If so, the panel considering such a claim may, in its discretion, ask for additional written submissions and hold oral proceedings. In such a case, the individual, corporation, Government, international organization or other entity making the claim may present the case directly to the panel, and may be assisted by an attorney or other representative of choice. The panel will complete its review of the case and report in writing through the Executive Secretary its recommendations to the Governing Council within 12 months of the date the claim was submitted to the panel;

(e) Each panel will report in writing through the Executive Secretary to the Governing Council on the claims received and the amount recommended to be awarded for each claimant. Each report will briefly explain the reasons for the recommendations.

Article 39. Additional time

If a panel considering a claim or group of claims cannot complete its work within the allotted time, the panel will notify the Governing Council through the Executive Secretary of the estimated additional time required. The Governing Council will decide whether the panel should continue its work on the claims or group of claims, with a time-limit to be decided by the Council, or should be discharged of the claim or group of claims, which would be given to another panel.

Article 40. Decisions

1. The amounts recommended by the panels of Commissioners will be subject to approval by the Governing Council. The Governing Council may review the amounts recommended and, where it determines circumstances require, increase or reduce them.

2. The Governing Council may, in its discretion, return a particular claim or group of claims for further review by the Commissioners.

3. The Governing Council will make its decisions on amounts to be awarded at each session with respect to claims covered in any reports of Commissioners circulated to members of the Governing Council at least 30 days in advance of the session.

4. Decisions of the Governing Council will be final and are not subject to appeal or review on procedural, substantive or other grounds.

5. Decisions of the Governing Council and, after the relevant decision is made, the associated report of the panels of Commissioners, will be made public, except the Executive Secretary will delete from the reports of panels of Commissioners the identities of individual claimants or other information determined by the panels to be confidential or privileged.

Article 41. Correction of decisions

1. Computational, clerical, typographical or other errors brought to the attention of the Executive Secretary within 60 days from the publication of the decisions and reports will be reported by the Executive Secretary to the Governing Council.

2. The Governing Council will decide whether any action is necessary. If it is determined that a correction must be made, the Governing Council will direct the Executive Secretary as to the proper method of correction.

Article 42. Withdrawal of claims

A claim pending before the Commission may be withdrawn at any time by the Government or entity that submitted the claim to the Commission. In any case where the claim has been paid, settled or otherwise resolved, it shall be withdrawn.

Article 43. Additional procedural rulings

Subject to the provisions of these procedures, Commissioners may make such additional procedural rulings as may be necessary to complete work on particular cases or categories of cases. In so doing, the Commissioners may

rely on the relevant rules of the United Nations Commission on International Trade Law for guidance. Commissioners may request the Governing Council to provide further guidance with respect to these procedures at any time. The Governing Council may adopt further procedures or revise these rules when circumstances warrant.

Annex II

Decision taken by the Governing Council of the United Nations Compensation Commission at its sixth session, 27th meeting, on 26 June 1992*

Eligibility for compensation of members of the Allied Coalition Armed Forces

The Governing Council decides that members of the Allied Coalition Armed Forces are not eligible for compensation for loss or injury arising as a consequence of their involvement in Coalition military operations against Iraq, except if the following three conditions are met:

(a) The compensation is awarded in accordance with the general criteria already adopted;

(b) They were prisoners of war as a consequence of their involvement in Coalition military operations against Iraq in response to its unlawful invasion and occupation of Kuwait;

(c) The loss or injury resulted from mistreatment in violation of international humanitarian law (including the Geneva Conventions of 1949).

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* Previously issued under the symbol S/AC.216/1992/11.